REMARKS/ARGUMENTS

Applicant is filing the present RCE because the Examiner indicated in an Advisory Action mailed August 25, 2008 (after abandonment of the present application) that "Newly added limitations to the claims would require further search and/or consideration" and refused entry of the Amendments submitted on March 10, 2008. Thus, Applicant is filing this RCE and accompanying Amendment/Reply, which is essentially identical to the un-entered Amendment/Reply after the Final Office Action of January 8, 2008, in order to continue prosecution of the present application.

Claims 1 and 3-10 are currently pending in the present application. Applicant would again like to thank the Examiner for her consideration of the case during the telephone interview back on February 6, 2008. Applicant agrees with the following substance of the Interview Summary dated February 14, 2008 from the Examiner:

(a) the rejection of claims 1 and 3-10 in view of WO 03/018939 (hereinafter "Nass") should have been under 35 U.S.C. § 102(b); and

(b) the rejection of claim 12 under 35 U.S.C. § 112, second paragraph should have been to claim 10, not to claim 12.

Additionally, Applicant would like to note that, during the telephone interview, the Primary Examiner, Carlos Lugo, indicated that if Claim 1 were amended to specifically recite a reversible *electric motor*, such an amendment would overcome the rejections in view of Nass. The Primary Examiner also stated that a rejection over Nass can be reinstated at a later date.

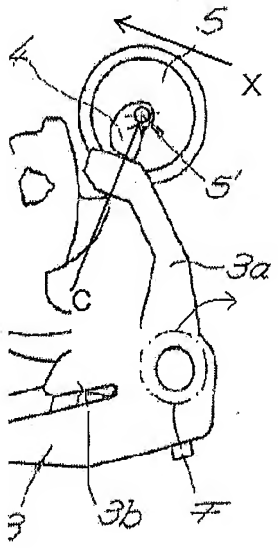
In view of the above-described points and the remarks below, the entry of the present amendments, and the favorable reconsideration and allowance of this application are respectfully requested.

I. Rejection of Claim 10 under 35 U.S.C. § 112, Second Paragraph

Claim 10 was rejected as being indefinite, because the Examiner states that "it is unclear what applicant is intending to claim in the limitation 'without providing a sideways force on the drive disk'." Applicant has amended Claim 10 to recite "without providing a lateral force running in said actuation direction or in said reverse direction on the drive disk (5)." Applicant has replaced the term "sideways" with an essentially synonymous term "lateral", to further clarify and detail the subject matter of the present invention. The amendment is clearly supported by the final sentence paragraph [0035] of the specification, which states that "there are no lateral forces that could turn the drive disk (5) in one or another direction".

Basically, these lateral forces refer to any forces that may oppose or hinder the rotation of the drive disk (5) in either direction. An example of such a hindering force is indicated in the following drawing as force X.

As described in Applicant's previous reply, the counterforce generated by the spring (F) on the operating lever (3), runs radially through the cam (4) in the direction of a rotation axis (5') of the drive disk (5), as indicated by force C on the following drawing. The curved arrow at spring (F) shows the direction in which the spring operates on the operating lever (3).



Thus, due to the shapes and configurations of the operating lever (3) and cam (4), the spring (F) imparts on the operating lever (3) a minimum of resistance or destabilizing forces against the cam (4), as the door latch device reaches its opening position as shown at FIG. 3. As stated at paragraph [0017], lines 3-4, this opening position can be achieved "without requiring considerable force from the motor drive". That is, only the counterforce C occurs, without lateral opposing forces such as force X. "Because of this design, the motor drive could, strictly speaking, even be switched off in the opening position . . ." (paragraph [0018], lines 1-3). Subsequently, the spring (F) causes the operating lever (3) to return to its previous "starting" position, as shown at FIG. 4.

Applicant believes that this amendment sufficiently addresses the rejection pertaining to Claim 10, and the reconsideration and withdrawal of this rejection is respectfully requested.

II. Claim Rejections -- 35 U.S.C. § 102(b)

Claims 1 and 3-10 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Nass. Furthermore, Claims 1, 4-6, and 9 stand rejected under 35 U.S.C. § 102(b) as being

unpatentable over U.S. Pat. No. 5,020,838 (hereinafter "Fukumoto"). These bases for rejections are respectfully traversed.

In the present Response and Amendment, Applicant has amended Claim 1 to further clarify the important features of the present invention. Applicant has further limited the operation of the reversible motor drive (4, 5, 6, 7) to specify an *"electric motor (6) for causing a rotation of said drive disk (5) in an actuation direction and in a reverse direction"*. Additionally, Applicant has further narrowed the motor drive's (4, 5, 6, 7) "directly acting on the locking mechanism (1, 2)" to be *"solely via contact of the cam (4) with the operating lever (3)"*.

Such newly amended features are clearly supported by the specification, such as at paragraph [0039], lines 4-5 which states "with the electric motor (6) accelerating in reverse direction in this time period" and at paragraph [0025], lines 1-3, which states that "It is apparent that the motor drive (4, 5, 6. 7) directly acts upon the locking mechanism (1, 2) via solely the operating lever (3)". Accordingly, Applicant respectfully submits that no new matter has been added to the present application through these amendments. Applicant has further narrowed the mechanical recitations of the present invention, because the telephone interview with the Examiner indicated a further possible need for clarity. Thus, entry of the present amendments is respectfully requested.

III. Nass and Fukumoto Do Not Disclose a Reversible Electric Motor

Nass discloses an electric motor (5) that causes the drive (5, 6, 7, 8, 9) in *only one direction*, in order to store power in a power storage device (12), such as a spring (paragraph 34). The spring (12) then guarantees the opening process, even if the drive operation encounters problems. Thus, Nass does not disclose any necessity at all to operate the electric motor (5) in a reverse direction.

Fukumoto also discloses a motor (7) operating in *only one direction* to remove the pawl (2A) from the striker (90). Once that disengagement is accomplished and the swing member (3) abuts the rubber stopper (11), the motor (7) is turned off (column 3, lines 28-30), and no reverse direction operation of the motor (7) is needed at all.

In contrast, the present invention relies critically on the *actuation and reverse directions* of the operations of the electric motor (6), in conjunction with a control unit (12) and signals via individual sensors (9, 10, 11) to achieve a highly simple, functional and cost effective design for a vehicle door latch.

IV. Nass and Fukumoto Do Not Disclose Acting Upon the Locking Mechanism Solely Via Contact of the Cam With the Operating Lever

Nass relies on an interconnected power storage device (12) such as a spring to guarantee the opening process of the door lock. For example, the motor drive (5, 6, 7, 8, 9) causes the cam (9, 11) to contact and drive surface (18') of the power storage device (12), during the opening process, as shown at FIG. 1. Thus, the motor drive (5, 6, 7, 8, 9) directly engages and acts upon the power storage device (12) when acting upon the locking mechanism (1, 2).

Fukumoto, on the other hand, scarcely shows any rotating cam at all, as envisioned in the present invention. The projection (53) shown in Fukumoto is merely an element that abuts a projection (32) of the swing member (3). The cam (4) of the present invention relies on its irregular, cylindrical shape (as is the common function of cams) to impart a reciprocating motion in the operating lever (3) through the rotation of the cam.

Both Nass nor Fukumoto teach the use of additional springs, etc. to fully achieve the opening process. Nass uses an additional energy-saving device such as a spring (12), and the invention of Fukumoto also requires additional springs (4, 6). Thus, they teach against the

critical features of the present invention, which uses a minimum of required components, without additional levers, springs, etc. to provide a functional, simple and cost-effective solution. The device of the present invention shows that "if the motor drive only operates the operating lever, which in turn actuates the locking mechanism and in this case preferably the pawl", that simple arrangement suffices to provide reliable opening (paragraphs [0009] – [0011]).

For all of the above stated reasons, newly amended Claim 1 patentably distinguishes over any combination of the cited references. Claims 3-10 ultimately depend from and include all of the subject matter of Claim 1, which has been shown to be allowable. Accordingly, Claims 3-10 are also allowable over any combination of the cited references.

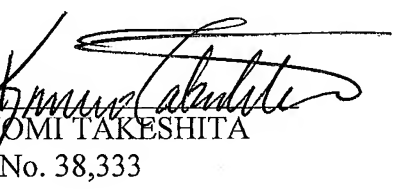
V. Conclusion

Having fully addressed the Examiner's rejection of all of the presently pending Claims 1 and 3-10, Applicant respectfully submits that the reasons for the Examiner's rejections have been overcome. Applicant requests that the amendments be entered and a Notice of Allowance be issued.

Should there by any questions or other matters of which resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the Applicant's undersigned attorney at the number listed below. All correspondence should be directed to our below listed address.

Respectfully submitted,

DATED: January 14, 2009

By: 
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